

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 10, 2003

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Mayor David Dermer
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Proclamation Honoring The Life And Achievements Of The Late Ed Resnick. (Dermer)
- PA2 Proclamation In Honor Of City Of Miami Beach Public Safety Departments (Dermer)
- PA3 Certs. of Apprec./Presented To Various Hotels For Providing Artists Studio Workplace. (Bower)

- C2A Award Contract PO384 For Purchase Of One '04 Sterling LT7501 Truck - \$193,398.00.
- C2B Award Contracts To BellSouth For Local & Long Distance Phone Service, Bid 49-02/03 - 685,000.
- C2C Award Contract to Kone Inc. For Citywide Elevators Maintenance, Bid 55-02/03 - \$43,420.

- C4A Ref. Finance & Citywide Projects - Regosa Qualifications to Perform Work at TOPA, Bid 27-02/03.
- C4B Ref. Finance & Citywide Projects - So. Pointe ROW Improvement, Phase II BODR Discussion.
- C4C Ref. Finance & Citywide Projects - Amendment to Beachfront Concession Agmt w/ Boucher Bros.
- C4D Ref. Finance & Citywide Projects -Concession Agmt/Lincoln Road, Española & Normandy Markets.
- C4E Ref. Finance & Citywide Projects - Consider Request By Miami-Dade County Re: Tax & Fees.
- C4F Ref. Neighborhoods Committee - CMB Mediation Program Implementation To Resolve Dispute.
- C4G Ref. Neighborhoods Committee - Amendments To Chapter 90 - CMB Code "Solid Waste."
- C4H Ref. Planning Board - Ord. to Permit Versace Mansion Convert As Private Museum. (Cruz)

- C6A Report Of The Community Affairs Committee Meeting Of September 4, 2003:
- C6B Report Of The General Obligation Bond And Oversight Committee Meeting Of August 4, 2003:

- C7A Issue RFQ for Services Needed - Multipurpose Parking Facility/City Hall Surface Parking Lot.
- C7B Issue RFQ for Services Needed - City Center ROW Improvement Project.
- C7C Execute Amend. No. 1 & Approp. Funds/Design ROW Infrastructure Improv. Program Neigh. 4.
- C7D Authorize HOME Program Agmt w/ MBCDC - \$86,200 From FY 01/02.
- C7E Authorize Amend. to HOME Program Agmt w/ MBCDC for FY 01/02 for Rehab of 532 Michigan.

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- C7F Authorize HOME Program Agmt w/ Carrfour from NOFA for FY 01/02 for Rehab of 530 Meridian.
- C7G Accept RFQ 35-02/03 For Parking Management Software Purchase & Execute Agmt. w/ T -2 Syst.
- C7H Ratify Approval To Increase SO w/ Nextel Comm. For Citywide Phone Svs - \$65,000.
- C7I Appropriate Funds For Police Training Trust Fund Budget FY 03/04 - \$31,000.
- C7J Ratify Execution Of JPA w/ FDOT For Additional Traffic Analysis, Indian Creek & 63rd St. - \$13,974.
- C7K Appropriate '03 Funds Levied by MDC - Replace Funds for FY 02/03 Electrowave Oper. Budget.
- C7L Declare Existence Of Parking Emergency Retroactive (8/25 – 8/31/03) For Events.

REGULAR AGENDA

- R5A **11:30 a.m. 2nd Rdg**, Amend Code, "Permit Fees," "Fee Schedule."
- R5B **10:50 a.m. 2nd Rdg**, Amend Ordinance 1605, City Attorney's Unclassified Employees Salary.
- R5C **10:30 a.m. 1st Rdg**, Revisions to Parking Lots or Regulations on Certain Lots (Ocean Dr.) **5/7**
- R5D **5:01 p.m. 1st Rdg**, Comprehensive Plan Amendment – Round #03-2.
- R5E **5:01 p.m. 1st Rdg**, Zoning Map Change and Land Development Regulations Amendment. **5/7**
- R5F **2:00 p.m. 1st Rdg**, Amend Code, "Land Development Regulations", CCC Civic & Conv. **5/7**
- R5G **1st Rdg**, Amend Code, "Development Regulations For Altos Del Mar Historic District." **5/7**
- R5H **1st Rdg**, Amend Code, "Street and Sidewalks."
- R5I **11:00 a.m. 2nd Rdg**, Amend Code "Concurrency Management." **5/7**

- R7A Approve Biscayne Point Neigh. BODR & Add. 1, For ROW Improvement Project.
- R7B **10:40 a.m. 1st Rdg**, Consider Naming Fountain In Memory of The Late Joseph Nevel.
- R7C **2:00 p.m. 2nd Rdg**, Approve Agmt w/ NWS – Dvlp't of Surface Parking Lot & Soundspace.
- R7D **2:00 p.m.** Execute Lease Agmt w/ NWS – Dvlp't of Surface Parking Lot & Soundspace.
- R7E Submit Grant Applications for Various Funds (Drug Eradication, MB Public Awareness Pgm, etc.)
- R7F Appropriate Funds for Police Special Revenue Account, FY 03/04 - \$38,600.
- R7G Execute Mngmt Svs Agmt for MBCC & TOPA w/ SMG, 10/01/03 – 09/30/06.

- R9A Board and Committee Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Authorize Airing on Channel 20 Mayoral/Commission Candidates Presentation – 11/4 Gen. Elec.
- R9D Lunch Break: Committee of the Whole Meeting Re: Free Trade Area Of The Americas (FTAA).
- R9E Promote Miami as Natural Location for the Secretariat of the FTAA.
- R9F Request MDC Mngr to Produce Paper Record of Ballot Casts (2004 Gen. Election). (Steinberg)

- R10A **Noon Break**, Executive Session: Felix Equities, Inc. vs. CMB.
- R10B **Noon Break**, Executive Session: West Side Partners, Ltd. vs. CMB

REPORTS AND INFORMATIONAL ITEMS

- A. Miami-Dade Homeless Trust Board Meeting Minutes Of June 27, 2003. (Steinberg)
- B. City Attorney's Status Report.
- B. Parking Status Report.
- C. Status Report on Fire Station No. 2.
- D. Status Report on Fire Station No. 4.
- E. Status Report of the G.O. Bond Funded Project for Fire Station No. 4.
- F. Informational Report on Existing City Contracts for Renewal or Extensions In The Next 180 Days.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for July 2003.
- 3A Progress Report On The Colony Theatre Construction.

Meeting called to order at 9:34:10 a.m.

Mayor Dermer stated that the 2nd year anniversary of the September 11 terrorist attack on the World Trade Center and the Pentagon is upon us. He was reflecting on this tragedy and on how our community handled it. At the time, the City was going through a raucous campaign, and all of the sudden after the attack our tourist economy slowed down and almost came to a stop. Jorge Gonzalez, City Manager, and the City Commission, to their credit, pulled together. There was a great sense of unity in the community. He stated that the City responded in the best way possible by abeyances fees, licenses fees and taxes, etc. to be able to give the business community a chance to get back on their feet. He was enormously impressed with the public safety departments, Police, Fire and Beach Patrol. There was a greater appreciation across the country for public safety. He added that he is also very proud of the Mayor's Blue Ribbon Panel, formed shortly after the November election, where people from the tourism community, residents and from all over the City came together. He appreciates the recommendations made from members of the Commission to get people on the committee. There was an enormous sense of public service that he had never experienced before. He emphasized that the panel did a tremendous job and worked diligently for many hours to come up with a blueprint that the City Manager and the City Commission implemented to a great extent. He continued by saying that from the standpoint of government and the connection to the people it serves, it was the closest that he has ever experienced before, and through these tragic events, as horrible as they were, the City of Miami Beach built a sense of unity and purpose.

Pledge of Allegiance led by Chief De Lucca.

Inspirational Message given by Father Tito Soler from St. Patrick's Catholic Church.

Times based on the digital recording in the TV Control Room.

10:53:12 a.m.

Addendum Materials: (PA8 - PA12, C4I, R7J, R7K, and R9F)

Motion made by Vice-Mayor Bower to add the Addendum items to the agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

At the request of Peter Evans, Metro Aqua Cats, Vice-Mayor Bower requested to add his proposal to the agenda for Commission endorsement.

Commissioner Gross stated that he did not think the request was appropriate at this time, since the Commission has not seen the proposal and cannot endorse this company without a competitive process.

Jorge Gonzalez, City Manager, suggested referring his proposal to the Metropolitan Planning Organization (MPO) without an endorsement.

Supplemental Materials: (C7B Resolution and Agreement, C7F Resolution, C7G Resolution, C7J Resolution, R5I Item Summary and Commission Memorandum, R7F LTC 207-2003 Frank Gehry Letter, R7G LTC 207-2003 Frank Gehry Letter, R7H Resolution Replacement pages, and R7I Resolution)

PA - Presentations and Awards

10:02:42 a.m.

PA1 Proclamation Honoring The Life And Achievements Of The Late Ed Resnick.
(Requested By Mayor Dermer)

ACTION: Proclamation presented.

Mrs. Resnick, Commissioner Garcia and Murraby Dubbin, City Attorney, spoke.

9:40:20 a.m.

PA2 Certificates Of Appreciation Presented In Honor Of City Of Miami Beach Public Safety Departments.
(Requested By Mayor Dermer)

ACTION: Certificates presented to the Miami Beach Police Department, Fire Department and Beach Patrol, and the United States Coast Guard - Miami Beach Station.

Elizabeth Stadtlander, Special Advisor to the Mayor, announced that the City is having a boxing match on October 18, 2003. The Miami Beach Police, Fire and Beach Patrol, and the U.S. Coast Guard will be participating.

U.S COAST GUARDS FIGHTERS:

Team captain & fighter: David Allen, Greg Yanis, "Wild Bill" Senert, Joseph Williams and Mike McCue.

FIRE DEPARTMENT

Team captain: Mike Timmony, Ronnie Sanchez, Charleton "Bring on the Heat" Price, Nelson Gonzalez, George Le Don, Eric "He Rack" Rodriguez.

BEACH PATROL

Team captain: Vince Andreano, Luis "Chico" Cordero, Keith Keyes, Arnaldo Guillen, Orlando Artiz.

POLICE DEPARTMENT

Team captain: Alkareem Azim & Bernie Wiher, Samir Guerrero, Eugene Rodriguez, Alex Carrillo, Jair Armatraddon, Jimmy "The Pitt Bull" Gotsis.

PROFESSIONAL EXHIBITION: Luis Corps

10:27:10 a.m.

PA3 Certificate Of Appreciation Presented To Joe London, Information Technology, For 21 Years Of Dedicated Service As A City Of Miami Beach Employee.
(Requested By Mayor Dermer)

ACTION: Certificate presented.

Kay Randall, IT Director, spoke.

Commissioner Garcia thanked and commended Mr. London for his services.

Patricia Walker, Chief Financial Office, thanked Mr. London for his services and stated that his expertise made her job easier when negotiating the contract with Motorola.

- PA4 Proclamation Presented To Turner Construction Company For Its Enviably Record In Building And For The Involvement Of Its 302 Staff Members, Nationally And Locally, In Numerous Programs.
(Requested By Mayor Dermer)

ACTION: Withdrawn.

10:12:18 a.m.

- PA5 Certificates Of Appreciation Presented To Bob Sassani, The Wave Hotel, Rafael Barrera, Clinton Hotel, Leanne Ballard, Park Central Hotel, Randy Griffin, Eden Rock Resort, And Chip Chapman, Essex House And Blue Moon Hotels.
(Requested By Commissioner Bower)

ACTION: Certificates presented.

- PA6 Certificate Of Appreciation Presented To David Whitaker For His Outstanding Work And Participation With The Arts In Residency Program.
(Requested By Commissioner Bower)

ACTION: Item deferred.

10:15:21 a.m.

- PA7 Certificate Of Appreciation Presented To Nancy Wolcott For Her Valuable And Distinguished Service On Behalf Of The Miami Beach Cultural Arts Council.
(Requested By Commissioner Garcia)

ACTION: Certificate presented.

9:50:44 a.m.

ADDENDUM

- PA8 Certificate Of Appreciation Presented To Dimitri "Jimmy" Gotsis, Police Department, For His Heroic Efforts In Saving The Lives Of Two Individuals.
(City Manager's Office)

ACTION: Certificate presented.

Chief De Lucca, Police Chief, spoke.

Carlos Noriega, Police Major, read into the record the details of Officer Gotsis' heroic efforts.

Mr. Jimmy Gotsis, Police Officer, spoke.

10:33:02 a.m.

ADDENDUM

- PA9 Certificate Of Appreciation Presented To Mehdi Ashraf, Building Department, For Receiving The 2003 Florida Section Government Engineer Of The Year Award.
(City Manager's Office)

ACTION: Certificate presented.

Jorge Gonzalez, City Manager, thanked Mr. Ashraf for the work that he does.

Mr. Phil Azan, Building Department Director, spoke.

Mr. Mehdi Ashraf spoke.

9:55:35 a.m.

ADDENDUM

- PA10 Certificate Of Appreciation Presented To Chris Kirk, Fire Department, For His Heroic Efforts In Saving The Lives Of Three Individuals.
(City Manager's Office)

Chief Jordan, Fire Chief, stated that anytime a firefighter is recognized it is a tribute to the entire fire force. He read a letter of recommendation into the record.

Chris Kirk, Fire Fighter, spoke.

Commissioner Garcia stated that what Mr. Kirk did is only a small example of what he has been doing for years.

ADDENDUM

- PA11 Certificate Of Appreciation Presented To Captain Michael Auch, Miami Beach Police Department For His Recent Graduation From The Federal Bureau Of Investigation's Academy, Class No. 214.
(Requested By Commissioner Garcia)

ACTION: Item deferred to October 15. Liliam Hatfield to place on agenda.

ADDENDUM

10:37:07 a.m.

- PA12 Proclamation Declaring September 11 – 17, 2003 As National Civic Participation Week In Miami Beach.
(City Manager's Office)

ACTION: Proclamation presented.

Mayor Dermer stated that Civic Participation has become more important since 9-11.

Jorge Gonzalez, City Manager, stated that the City of Miami Beach was recognized nationally as the only local government that received the President's Award for participation.

Vivian Guzman, Neighborhood Services Director, thanked her staff for their team effort.

10:21:39 a.m.

ADDENDUM

PA13 Certificate Of Appreciation Presented To Terry D'Amico.
(Mayor Dermer)

ACTION: Mayor Dermer presented Ms. D'Amico with a key to the City and stated that a Certificate will be presented at a future time.

Terry D'Amico spoke.

New item:

10:40:11 a.m.

Jorge Gonzalez, City Manager, stated that he will be sending an LTC with more details later; however, he informed the Commission that 3CMA, (City, County Communications and Marketing Association) recognized the City of Miami Beach in the "best technology" category" for the City's Website. He stated that the judges stated that: "There was anything not to like about this entry. Pleasing design, well considered organization, as well as good use of graphics to grab and hold attention; many options for contacting and providing feedback in a wide array of online services in their virtual City Hall. In particular they have online request system that provides tracking capabilities. All in all it is a good role model for any municipality regardless of population or geographic location. From a marketing standpoint the What's New Section on the homepage is a great draw to visitors and to seek current news in an exciting format." He thanked the IT Department, Neighborhood Services Department, and Nannette Rodriguez.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract In The Amount Of \$193,398.00 Pursuant To State Of Florida Department Of Transportation Contract No. PO384, To Southern Sewer Equipment Sales For The Purchase Of One (1) 2004 Vac-Con Sewer Cleaner Mounted On A 2004 Sterling LT7501 Truck.
(Fleet Management)

ACTION: Award approved. Drew Terpak to handle.

Handout or reference materials:

1. Letter from Mr. Renee Randall from the Florida Department of Transportation to Truck Mounted Sewer Cleaner in reference to DOT Contract ITB-DOT-02/03-9026-LG, P0384 with contract attached.

C2B Request For Approval To Award Contracts To BellSouth For Local Telephone Service And Long Distance Telephone Service, Pursuant To Bid No. 49-02/03, Providing Citywide Local And Long Distance Telephone Services In The Estimated Annual Amount Of \$685,000.
(Information Technology)

ACTION: Award approved. Kay Randall to handle.

- C2C Request For Approval To Award A Contract To KONE, Inc., In The Annual Estimated Amount Of \$43,420, Pursuant To Invitation To Bid No. 55-02/03, For The Citywide Maintenance Of Elevators.
(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

- C2D Request For Approval To Award A Contract To Executive Elevator Service, Inc. In The Amount Of \$151,875, Pursuant To Invitation To Bid No. 30-02/03, For The Elevator Renovation At City Hall Annex Building, Located At 777 17th Street.
(Public Works)

ACTION: Award approved. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee A Discussion On The ADA And Public Interior Design Enhancement Renovations For The Jackie Gleason Theater Of The Performing Arts (TOPA).
(Capital Improvements)

ACTION: Item referred. Patricia Walker to place on the agenda. Tim Hemstreet and Fred Beckmann to handle.

10:58:13 a.m.

- C4B A Referral To The Finance And Citywide Projects Committee Of A Presentation And Discussion Of The Basis Of Design Report For Phase II Of The South Pointe Neighborhood Right Of Way Improvement Project.
(Capital Improvements)

ACTION: Item separated for discussion by Commissioner Gross. Item referred to a joint meeting of the Finance and Citywide Project Committee and the Neighborhoods Committee and the meeting after 5:00 p.m., to be held in a location in the area. Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Voice vote: 7-0. Patricia Walker and Vivian Guzman to place on the agenda. Tim Hemstreet to handle.

- C4C Referral To The Finance And Citywide Projects Committee For Review And Discussion, The Proposed Amendments To The Beachfront Concession Agreement By And Between The City And Boucher Brothers Miami Beach, LLC.
(Economic Development)

ACTION: Item referred. Patricia Walker to place on the agenda. Kevin Crowder to handle.

- C4D Referral To The Finance And Citywide Projects Committee For Review And Discussion, The Proposed Concession Agreements With Market Company, Inc. For The Lincoln Road Green Market, The Española Way Street Market, And Normandy Isle Street Market.
(Economic Development)

ACTION: Item referred. Patricia Walker to place on the agenda. Kevin Crowder to handle.

- C4E A Referral To The Finance And Citywide Projects Committee To A) Consider A Request By Miami-Dade County For The Miami Beach City Commission, As The Governing Body Of The Redevelopment Agency, To Exempt The Children's Trust, An Independent Taxing District, From Contributing Its Ad Valorem Tax Levy To The City's Redevelopment Trust Fund; And B) A Proposal By Miami-Dade County To Impose A One And One Half Percent (1½ %) Administrative Fee On The Redevelopment Agency's Proposed FY 2003/04 Budget.
(Finance Department)

ACTION: Item referred. Patricia Walker to place on the agenda and to handle.

- C4F A Referral To The Neighborhoods Committee To Discuss The Amendments To Chapter 90 Of The Miami Beach City Code Entitled Solid Waste.
(Neighborhood Services)

ACTION: Item referred. Vivian Guzman to place on the agenda and to handle.

- C4G A Referral To The Planning Board To Discuss An Ordinance Amending The Permitted Uses For The MXE Mixed-Use Entertainment Zoning District, To Permit Public And Private Institutions As A Conditional Use, To Permit The Versace Mansion On Ocean Drive To Be Converted To A Private Museum.
(Requested By Commissioner Cruz)

ACTION: Item referred. Jorge Gomez to place on the agenda and to handle.

- C4H A Referral To The Finance And Citywide Projects Committee A Discussion On The Status Of The Normandy Shores Golf Course.
(Requested By Commissioner Smith)

ACTION: Item referred. Patricia Walker to place on the agenda. Tim Hemstreet to handle.

ADDENDUM

- C4I Referral To The Community Affairs Committee To Discuss Changes To The Miami-Dade County's Lobbying Ordinance.
(Requested By Commissioner Bower)
(Memorandum)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on the agenda. Legal Department to handle.

C6 - Commission Committee Reports

- C6A Report Of The Community Affairs Committee Meeting Of September 4, 2003: 1) Discussion Regarding Appropriate Memorial For The Late Maurice Gibb; 2) Discussion To Consider The Appropriate Forms Of Recognition For Persons/Companies Donating Funds To The North Beach Youth Center; 3) Discussion Regarding David Nevel's Request To Change The Memorial/Dedication To The Late Joseph Nevel From The Collins Park Fountain To The Collins Park Plaza; 4) Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; 5) Discussion Regarding Changes To The Miami-Dade County's Lobbying Ordinance; 6) Discussion Regarding The Renaming Of The Fire Administration Building And/Or Fire Station No. 2 In Memorial (To Honor) Dr. Leo Grossman And 7) Discussion Regarding Establishing A Pilot Program With Onboard Media For A Maximum Of Twelve (12) Months To Produce And Air A Thirty (30) Minute Segment Of "Welcome To Miami Beach" In Promotion Of The City Of Miami Beach As A Tourist Destination And Quality Residential Community, On "BEACHTV" (Charter Communications Geographic Territory), At No Cost To The City; Providing A Link On The City's Website, A Letter Of Support For The Programming Efforts And The City's Cooperation And Conceptual Support Of The Program And Its Production.

ACTION: Written report submitted.

Item No. 1

ACTION: Mr. Koske, representative for the Maurice Gibb family, and Mr. Frank Kruszewski, Vice-President, of the Sunset Harbor Homeowners Association, agreed to proceed with the discussion on the appropriate memorial, i.e., fountain, bench, trees, etc. until after the November 2003 referendum when the renaming of the Park will be on the ballot for approval.

Item No. 2

ACTION: A discussion was held on the North Beach Youth Center Donor Recognition Program approved by the Friends of the North Beach Youth Center. Commissioner Luis R. Garcia, Jr., requested a list of the equipment, furniture, fixtures and dollars funded by the City for the Center and the proposed estimated donations and its uses for same. **Kevin Smith to handle.**

Item No. 3

ACTION: It was recommended to name the Collins Park Plaza with the fountain placed in the middle of the area. Mr. Nevel is to work with the Administration on the naming location within the plaza. Due to the aforesaid action, it is recommended that Resolution No. 2003-25265 which set the public hearing on the naming of the fountain in memory of Joseph Nevel be rescinded. **See Item R7D.**

Item No. 4

ACTION: Deferred at the request of Commissioner Jose Smith.

Item No. 5

ACTION: In May 2003, the County Commission amended its lobbyist's ordinance. A brief discussion was held on these amendments to the Miami-Dade County ordinance defining the term "lobbyist", for purpose of assessing the need to amend the City of Miami Beach lobbyist laws. The County has enacted additional exemptions from the definition of "lobbyist". Commissioner Steinberg discussed the need to review these exemptions with existing City Code lobbyist restrictions. The City Attorney's Office will forward the amended ordinance to the City Commission for approval. **Legal Department to handle.**

The City of Miami Beach lobbyist ordinance must be amended because it cannot be more lenient than

the County's ordinance.

The County amendments which require amendments to the City's ordinance are as follows:

Adding to definition of lobbyists -

1. "Lobbyists" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

2. The term "Lobbyist" specifically excludes the following persons: attorneys or other representative retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

3. Registration of all lobbyists shall be required prior to January 15 of each year.

4. The fee for annual registration shall be four hundred and ninety dollars (\$490).

5. Any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

6. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

Item No. 7

ACTION: Representatives from Dr. Leo Grossman's family discussed with the Committee the naming of Fire Station No. 2 in memory of Dr. Grossman. The family representatives will visit Fire Station No. 2, and meet with the firefighters in an effort to obtain their support in the naming of the station and possibly proceeding in the March 2004 referendum with placing the item for voter approval.

Item No. 8

ACTION: The Committee was shown a presentation on the 12 month pilot program with Onboard Media to produce and air a thirty (30) minute segment of "Welcome to Miami Beach" in promotion of the City of Miami Beach as a tourist destination and quality residential community, on "BeachTV" at no cost to the City; providing a link on the City's website.

Commissioner Saul Gross made a motion to approve subject to satisfying the legal requirements on

the City not endorsing the program and being able to cancel link to the City's website and the 30 minute free segment to the City, seconded by Commissioner Luis R. Garcia, Jr. **Donna Shaw to handle.**

Sample disclaimer language will be provided by Onboard Media for the City's consideration.

- C6B Report Of The General Obligation Bond And Oversight Committee Meeting Of August 4, 2003: 1) Presentation – General Obligation Bond Interest 2) Change Order Report; 3) Recommendation To City Commission: A) Biscayne Pointe BODR ; 4) Project Status Report: A) Update On Fire Station No. 2; B) Update On Fire Station No. 4; C) Update On Normandy Isle Park And Pool; 5) Informational Items: A) Change In Meeting Dates B) Special Joint Meeting Of The Finance & Citywide Projects And G.O. Bond Oversight Committees C) Updated Calendar Of Scheduled Community Meetings; D) Development Agreement For Bay Road; E) Corradino Additional Services Agreement.

ACTION: Written report submitted.

Item No. 1

The Administration informed the Committee that the General Obligation Bond Interest is reserved and is not recommended for expenditure. The Bond funds are invested, and the earned Interest is reserved for Arbitrage purposes. When the bonds are expended, the Arbitrage calculations are done by an outside consultant annually. The Interest is used to pay for any Arbitrage fees necessary. It can also be used as a last resort funding source for expenses within the original project scope, but only as approved by the City Commission. The Administration does not recommend releasing any of the Interest for use on the GO Bond-funded Project construction at this time.

Item No. 2

The Administration informed the Committee of change orders that had been approved since the last meeting.

Item No. 3

The Committee approved a motion recommending that the City Commission approve the BODR with the condition that lighting issues be addressed, as per the residents desire, instead of pavement issues. **Tim Hemstreet to handle.**

Item No. 4(A)

The Administration informed the Committee that the rehabilitation of the existing building and the addition to Fire Station No. 2 is moving forward. The City issued a second Notice To Proceed to Jasco on June 9, 2003 after the completion of the permit for the complete scope of work. Jasco has begun mobilization and construction of the added area at the site. Currently, Jasco is on schedule for a substantial completion date of May 2004. The City is still in discussions with Jasco on Fire Station No. 2 on the Guaranteed Maximum Price which will be brought to the City Commission when a final price is agreed upon.

Item No. 4(B)

The Administration informed the Committee that during the July 2, 2003 Commission meeting, the Mayor and City Commission discussed at length the status of the Fire Station No. 4 Project; and subsequently unanimously passed a motion directing the City Manager and staff to follow the appropriate procedures to demolish the historic building. Documentation was being prepared to obtain approval from the Historic Preservation Board (HPB) on September 9, 2003 for the proposed modification to the design of new Fire Station and the demolition of the historic Fire Station No. 4

building. Depending on the outcome of that meeting, the City Commission would have to either ratify or over-rule the HPB's decision in either September or October. Demolition could be scheduled as soon as October 2003 and construction of the new building would likely begin by March 2004.

Item No. 4(C)

The Administration informed the Committee that the Normandy Isle Park and Pool project has a significant delay due to two major events caused by the Contractor. These issues are related to the pool deck and the pool slab construction. These issues are under review by the CIP Office, URS and the City's A/E consultant. The Pool deck was rejected by the City's Special Inspector for the project, due to the Contractor's failure to follow the contract documents. The Pool slab was poured without the required reinforcing steel inspection from the Special Inspector. In addition, the Contractor did not notify the Special Inspector of a need for inspection services until the concrete placement had already started. As a result, the Special Inspector was unable to perform adequate testing of the concrete. This action is the fault of the Contractor and should not result in additional cost to the City. Additional time will not be added to the Contractor's schedule and if the Contractor misses the completion date due to the issue, then the Contractor will incur liquidated damages. Staff will continue to monitor the Project and take corrective action as necessary.

Item No. 5(A-D)

The Informational Items presented to the Committee, but not reviewed included: Changes in meeting dates for September and October, the announcement of a Special Joint Meeting of the Finance & Citywide Projects and G.O. Bond Oversight Committees, the calendar of Scheduled Community meetings, Development Agreement for Bay Road construction as passed by the City Commission and Corradino Additional Services Agreement as passed by the City Commission.

- C6C Report Of The Neighborhoods Committee Meeting Of July 28, 2003: 1) Discussion Regarding The Revised Guidelines For The City Of Miami Beach Multi-Family Housing Rehabilitation Program; 2) Relocation of Water Meters From Rear Easement To Right-Of-Way; 3) Review And Discussion Regarding An Amendment To The City Code Concerning The Distribution Of Handbills; 4) Presentation By A Group Of Concerned Residents Advocating Better Green Space Management In The City; 5) Review Of The City's And MCDC's Policy Regarding Acquiring Buildings In Better Shape And Provide More Affordable Housing; 6) Presentation And Discussion Of The Neighborhood Conservation Overlay District Concept And 7) Discussion And Review Of The Community Development 2003-2007 Consolidated Plan.

ACTION: Written report submitted.

Item No. 1

Item deferred to the next Neighborhoods Committee meeting.

Item No. 2

No action was taken by the Neighborhoods Committee.

Item No. 3

The Committee referred this item back to the Administration for further discussion and consideration.

All Childress to handle.

Item No. 4

Item deferred to the next Neighborhoods Committee meeting.

Item No. 5

Item deferred to the next Neighborhoods Committee meeting.

Item No. 6

The Committee unanimously passed a motion to approve the concept of a Neighborhood Conservation Overlay District as presented.

Item No. 7

The Committee unanimously passed a motion to include Commissioner Cruz's comments on affordable housing and move the Consolidated Plan to the full City Commission on July 30.

C7 - Resolutions

- C7A A Resolution Authorizing The Issuance Of RFQ No. 68-02/03 For Engineering, Urban Design, And Landscape Architecture For Planning, Design, Bid And Award And Construction Administration Services For The City Center Right Of Way Improvement Project.
(Capital Improvements)

ACTION: Resolution No. 2003-25319 adopted. Tim Hemstreet to handle.

Handout or reference materials:

1. E-mail from Gus Lopez to Tim Hemstreet dated September 10, 2003 informing that corrections will be made to the evaluation criteria to meet the legal requirements pursuant to section 287.055, F.S.

Supplemental Materials

- C7B A Resolution Authorizing And Approving The Mayor And City Clerk To Execute Amendment No. 1 To The City's Agreement With The Firm Of Williams, Hatfield And Stoner, Inc., D/B/A Tetra Tech WHS, For The Design Of The Right Of Way Infrastructure Improvements Program Neighborhood 4 – Normandy Isle And Normandie Sud; By Increasing The Not To Exceed Fee By \$50,529 To Provide For Additional Services Required For Relocating Water Main Service Locations; And Appropriating Funds Therefore In The Amount Of \$50,529 From The Series 2000 Water And Sewer Revenue Bond Fund.
(Capital Improvements)

ACTION: Resolution No. 2003-25320 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

10:54:03 a.m.

C7C A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With The Miami Beach Community Development Corporation (MBCDC), Providing ~~\$86,200~~ 395,669 Home Program Funds From Fiscal Year 2001/02, For The Continuation Of A Scattered-Site Home Buyer Assistance Program In Accordance With The Home Program Requirements And To Assist First-Time Home Buyers Including Participants In The Family Self Sufficiency Program Established By The Housing Authority Of The City Of Miami Beach (HACOMB).

(Neighborhoods Services)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager.

Resolution No. 2003-25330 adopted as amended. Motion made by Commissioner Smith to change the \$86,200 to \$395,669 and a minimum of 17 scattered site units; seconded by Vice-Mayor Bower; Voice vote: 7-0. Vivian Guzman to handle.

C7D A Resolution Authorizing The Mayor And City Clerk To Execute A Fourth Amendment To The Home Investment Partnerships (HOME) Program Agreement, Dated June 6, 2001, Between The City And Miami Beach Community Development Corporation (MBCDC), Providing \$364,331 In HOME Program Funds From The HOME Program Notice Of Funding Availability (NOFA) For Fiscal Year 2001/02, Towards The Cost Of The Rehabilitation Of A Building, Located At 532 Michigan Avenue, Miami Beach, To Provide Eighteen Rental Units For Income -Eligible Elderly Residents In Accordance With The HOME Program Requirements.

(Neighborhoods Services)

ACTION: Resolution No. 2003-25321 adopted. Vivian Guzman to handle.

10:55:17 a.m.

C7E A Resolution Authorizing The Mayor And City Clerk To Execute A Home Investment Partnerships (HOME) Program Agreement Between The City And Carrfour Supportive Housing Providing \$309,469 In HOME Program Funds From A HOME Program Notice Of Funding Availability (NOFA) For Fiscal Year 2001/02, Towards The Cost Of The Rehabilitation Of A Building, Located At 530 Meridian Avenue, Miami Beach, To Provide Fifty-Five Rental Units For Income -Eligible Residents In Accordance With The HOME Program Requirements.

(Neighborhoods Services)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager.

Item referred to the Neighborhoods Committee. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 7-0. Vivian Guzman to place on agenda and handle.

Jorge Gonzalez, City Manager, stated that because this is the last meeting of the fiscal year, HUD requires the City to allocate all of the dollars before the end of the fiscal year. He recommended to take the monies that were allocated for this program, and allocate the dollars to item C7C (scattered site housing) in this fiscal year and October 1, NBCDC will be eligible for additional monies from HUD for scattered site, and the equivalent amount of dollars and award it to Carrfour.

Supplemental Materials

- C7F A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 35-02/03, For The Purchase Of A Parking Management Software; Authorizing The Administration To Enter Into Negotiations With The Firm Of T-2 Systems For The Purchase Of A Parking Management Software; And If Negotiations Are Successful, Authorize The Mayor And City Clerk To Execute An Agreement With T-2 Systems; Further Appropriating ~~\$184,000~~ \$178,000 From Parking Revenue Bond Fund 481 And The Establishment Of A Work Order For The Project.
(Parking)

ACTION: Resolution No. 2003-25322 adopted as amended. Saul Frances to handle.

Jorge Gonzalez, City Manager, stated that the contingency item line is amended from \$31,000 to \$25,000. Amount to be appropriated is \$178,000.

Supplemental Materials

- C7G A Resolution Ratifying The Following City Manager's Actions: 1) Approval To Increase The Standing Order With Nextel Communications For Citywide Radio And Cellular Telephone Services, In The Amount Of \$65,000; And 2) Approval And Execution Of An Agreement With Florida Department Of Transportation To Receive Annual Funding Of \$150,000 For Landscape Maintenance Of The Julia Tuttle Causeway, Pursuant To Resolution No. 2003-25295, Which Authorized The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 30, 2003, Until The First Regularly Scheduled Commission Meeting In September 2003, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting In September 2003.
(Procurement)

ACTION: Resolution No. 2003-25323 adopted.

- C7H A Resolution Ratifying The Administration's Execution Of A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT), In The Amount Of \$13,974, For The City To Perform Additional Traffic Analysis Of Existing Conditions And Year 2021 Projections At The Intersections Of Indian Creek Drive At 63rd Street (Both With And Without The Flyover); And Indian Creek Drive At 65th Street; And Further Authorizing The Appropriation Of Advance City Funds For The Study To Be Performed By HNTB, Inc., For Subsequent Reimbursement By The JPA Funds.
(Public Works)

ACTION: Resolution No. 2003-25324 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

- C7I A Resolution Approving And Authorizing The Appropriation Of Twenty Percent (Approximately \$360,000) Of The Miami Beach Share Of The Charter County Transit Surtax Proceeds, Levied By Miami-Dade County Between January And September 2003, To Replace No Longer Eligible Outside Funds Included In The Funding Packet For The Fiscal Year 2002-03 Electrowave Operating Budget, Adopted By Resolution No. 2002-25012, Dated September 26, 2002.
(Public Works)

ACTION: Resolution No. 2003-25325 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Supplemental Materials

- C7J A Resolution Waiving By 5/7th Vote, The Formal Competitive Bidding Requirements And Authorizing The Mayor And City Clerk To Execute An Agreement With Ashbrite, Inc. For Disaster Planning And Recovery Services, Finding Such Waiver To Be In The Best Interest Of The City.
(Public Works)

ACTION: Resolution No. 2003-25326 adopted. Fred Beckmann to handle.

- C7K A Resolution Retroactively Approving The Actions Of The Administration With Respect To Finding And Declaring The Existence Of A Parking Emergency With Respect To Universal Television's "Karen Sisco" Production; And Further Declaring The Existence Of A Parking Emergency On The Following Specified Dates With Respect To The Increased Traffic And Parking Demand Caused As A Result Of This Production, Other Existing Events, Conventions, Visitors, And The First Week Of Public School From August 25, 2003 Through August 31, 2003; Allowing For The Provision Of The Vacant Lot Located At 17 Street And West Avenue Owned By The Housing Authority To Be Utilized To Satisfy Said Increased Demand; Provided That The City Shall Further Require Universal Television To Secure The Appropriate Security And Insurance For The Purposes Set Forth In This Resolution.
(Tourism & Cultural Development)

ACTION: Resolution No. 2003-25327 adopted.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances**12:34:45 p.m.**

R5A An Ordinance Amending Chapter 14 Of The City Of Miami Beach Code By Amending Division 2 Thereof Entitled "Permit Fees," And By Amending Appendix A Entitled "Fee Schedule," By Amending Sections 14-61 Through 14-70 Entitled "Division 2. Permit Fees," Providing For An Increase In Permit And Inspection Fees Effective October 1, 2003 For Building, Plumbing, Electrical And Mechanical Work And For Other Building Department Activities; Providing For Repealer, Severability, Codification And An Effective Date. **11:30 A.M. Second Reading, Public Hearing.**

(Building Department)

(First Reading On July 2, 2003)

ACTION: Public Hearing Opened and Continued to September 18, 2003 at 5:01 p.m. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Liliam Hatfield to place on agenda. Phil Azan to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

12:11:11 p.m.

R5B An Ordinance Amending Ordinance No. 1605 As Amended, Being The Unclassified Employees Salary Ordinance; By Amending The Titles Of The Classifications Of First Assistant City Attorney To Assistant City Attorney And Assistant City Attorney II To Assistant City Attorney (II); Abolishing The Titles Of The Classifications Of Assistant City Attorney I And Senior Assistant City Attorney; Correcting The Public Record By Deleting Certain Lines; And Providing For Repealer, Severability, Effective Date, And Codification. **10:50 A.M. Second Reading, Public Hearing.**

(City Attorney's Office)

(First Reading On July 30, 2003)

ACTION: Public Hearing Opened and Continued to September 18, 2003 at 5:01 p.m. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent Commissioner Garcia. Liliam Hatfield to place on agenda. Legal Department to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

5:51:20 p.m.

R5C An Ordinance Amending Section 106-346, Entitled "Definitions", Of Miami Beach City Code Article VIII, Entitled "Parades", Of Miami Beach City Code Chapter 106, Entitled "Traffic And Vehicles"; "Defining Demonstration, Rally, Picket Line; Creating Miami Beach City Code Section 106-375, To Be Entitled "Prohibited Activities" Of City Code Article VIII, Entitled "Parades", Of Miami Beach City Code Chapter 106, Entitled "Traffic And Vehicles"; Establishing Regulations Concerning Parades And Demonstrations; Prohibiting Certain Activities At Parades, Demonstrations, Rallies, Picket Lines And Parades In Public Places In The City, Providing For Repealer, Severability, Codification And Effective Date. **First Reading.**

(Economic Development/Police Department)

ACTION: Ordinance approved on First Reading and referred to the Community Affairs Committee.

Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Ballot vote: 5-1; Opposed: Commissioner Gross; Absent: Commissioner Steinberg. Second Reading and Public Hearing scheduled for October 15, 2003. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda. Mayra Diaz Buttacavoli to place on agenda. Christina Cuervo and Chief De Lucca to handle.

Miami Beach Police Captain John DiCenso spoke.

11:02:34 a.m.

R5D Revisions To The Parking Lots Or Regulations On Certain Lots (Ocean Drive)
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-1107, "Parking Lots Or Garages On Certain Lots" By Providing That Vacant Lots Fronting Ocean Drive That Existed As Of January 1, 1999 May Be Used For Provisional Or Temporary Parking Lots As Provided For In Sections 130-70 And 130-71 Of The Miami Beach City Code; Providing For Repealer, Codification, Severability And Effective Date.

10:30 A.M. First Reading, Public Hearing

(Continued From June 11, 2003)

ACTION: Public Hearing held Open and Continued to October 15, 2003 at 10:30 a.m. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Bower; Voice vote 6-0; Absent: Commissioner Garcia. Liliam Hatfield to place on the Commission Agenda. Jorge Gomez to handle.

Michael D'Alessandro, from Associated Parking, spoke.

Vice-Mayor Bower stated that people should have free parking.

Motion No. 1:

Motion made by Vice-Mayor Bower to accept the recommendation of the Administration not to approve the ordinance; seconded by Commissioner Smith; Voice vote; 3-4; Opposed: Commissioners Cruz, Garcia, Gross and Steinberg.

Discussion continued.

Motion by Commissioner Steinberg to defer until Commissioner Garcia returns in the afternoon. Discussion continued.

Motion No. 2:

Motion made by Commissioner Gross to approve the ordinance on first reading with the following amendments: 1) to delete the words vacant as of January 1, 1999; it would read: Vacant Lots Fronting Ocean Drive May Be Used For Provisional Or Temporary Parking Lots for not longer than five (5) years; seconded by Commissioner Cruz.

Commissioner Steinberg requested 36 months instead of five years.

Commissioner Gross did not accept the amendment.

Commissioner Steinberg requested to defer the item to the afternoon until Commissioner Garcia returned.

Vice-Mayor Bower stated that no one in the community knows about this issue, particularly the preservationists.

Motion No. 3:

Motion by Commissioner Steinberg to Open and Continue item to the October 15, 2003 at 10:30 a.m; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Liliam Hatfield to place on Agenda. Jorge Gomez to handle.

Vice-Mayor Bower requested that the preservation community and the Ocean Drive Association be notified. **Jorge Gomez to handle.**

Handout or reference materials:

1. Notice of Ad in Miami Herald

7:05:02 p.m.

R5E Comprehensive Plan Amendment - Round #03-2

An Ordinance 1) Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And 2) Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 P.M. First Reading, Public Hearing.**

(Planning Department)

(Continued From May 21, 2003)

ACTION: Public Hearing Opened and Continued to December 10, 2003 at 5:01 p.m. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote; 6-0; Absent Commissioner Garcia. Liliam Hatfield to place on agenda. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Letter from James F Silvers to Jorge Gonzalez, City Manager, dated September 3, 2003 requesting a continuance for the item.

7:06:35 p.m.

R5F Zoning Map Change And Land Development Regulations Amendment.

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3;" Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 P.M. First Reading, Public Hearing.**

(Planning Department)
(Continued From May 21, 2003)

ACTION: Public Hearing Opened and Continued to December 10, 2003 at 5:01 p.m. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote; 60; Absent Commissioner Garcia. Liliam Hatfield to place on agenda. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

2:54:21 p.m.

R5G An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, CCC Civic And Convention Center District, Of The Land Development Regulations Of The City Code In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **2:00 P.M. First Reading, Public Hearing.**

(Planning Department)
(Continued From July 30, 2003)

ACTION: Public Hearing Opened and Continued to December 10, 2003 at 2:00 p.m. Motion made by Vice-Mayor Bower to open and continue; seconded by Commissioner Smith; Voice vote: 6-0; Absent Commissioner Garcia. Liliam Hatfield to place on agenda. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

6:02:18 p.m.

R5H An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Section 142-107. "Development Regulations For The Altos Del Mar Historic District," Increasing The Maximum Square Footage That May Be Built In The RS-4 Zoning District Within The "Altos Del Mar" Local Historic District. Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Ordinance approved on First Reading as amended to reflect the Planning Board version of the ordinance (see below). Motion made by Commissioner Gross; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 15, 2003. R. Parcher to notice. Liliam Hatfield to place on the Commission Agenda. Jorge Gomez to handle.

Alex Tachmes spoke.

Amendment: RS-4: "2,500 or 3,250 square feet maximum, distributed 60% on the ground floor and 40% on second floor. No variances shall be granted with regard to the maximum square footage size of structure or setbacks."

12:14:05 p.m.

Supplemental Materials

R5I An Ordinance Amending Chapter 122 Of The Miami Beach City Code Entitled "Concurrency Management," By Amending Section 122.8(d) Therein To Allow For The Adoption Of Programs Or Policies Allowing Exemptions From Transportation Concurrency Requirements For Small Businesses Which Impacts To The Existing Roadway Level Of Service Have Been Determined To Be Minor; Providing For Repealer, Codification, Severability And An Effective Date. **11:00 A.M. Second Reading, Public Hearing.**

(Public Works)
(First Reading On July 30, 2003)

ACTION: Public Hearing held. Ordinance Number 2003-3424 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Fred Beckmann to handle.

Minnette Benson, member of the Concurrency Management Task Force Committee, spoke.
David Kelsey, spoke.

Commissioner Gross requested that the Administration implement this in a "business friendly" manner.

Jorge Gonzalez, City Manager, stated that beginning October 1 the Concurrency Management function will be transferred from Public Works to the Planning Department. He stated that there is a calculation that needs to take place to determine eligibility. If it is determined that there is no concurrency impact, there will be no application fee.

Vice-Mayor Bower asked the Administration to keep track of the funds.

Handout or reference materials:

1. Notice of Ad in Miami Herald

R7 – Resolutions**6:46:42 p.m.**

- R7A A Resolution Approving And Authorizing The Issuance Of RFQ No. 69-02/03 For Architectural, Engineering, Design And Construction Administration Services Needed To Plan, Design, And Construct A Multipurpose Parking Facility On The Current Site Of The City Hall Surface Parking Lot.
(Capital Improvements Projects)

ACTION: Resolution No. 2003-25328 adopted as amended. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Gus Lopez to issue the RFQ. Tim Hemstreet to handle.

Commissioner Cruz stated that the garage project needs to move fast, but cautiously.

Amendment made by Commissioner Steinberg to strike all references to the New World Symphony and replace with it the desire to provide additional parking.

12:41:48 p.m.

- R7B A Resolution Calling For A General Election To Be Held On November 4, 2003 In The City Of Miami Beach For The Purpose Of Electing A Mayor And Three City Commissioners (Group Numbers IV, V And VI); Providing For Conduct Of Same By The Miami -Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami -Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami -Dade County.
(City Attorney's Office)

ACTION: Resolution No. 2003-25329 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. R. Parcher to handle.

12:42:12 p.m.

- R7C Designation Of City Of Miami Beach Canvassing Board For November 4, 2003 General And Special Election.
(City Attorney's Office)

ACTION: Motion made by Vice-Mayor Bower designating Commissioner Steinberg and Commissioner Smith as members of the November 4 General and Special Election canvassing board; Voice vote: 6-0; Absent: Commissioner Garcia. R. Parcher to handle. Jorge Gonzalez, City Manager, appoints Mayra Diaz Buttacavoli.

- R7D A Resolution To Consider Naming A Proposed Fountain To Be Constructed And Located Within Collins Park, In Memory Of The Late Joseph Nevel. **10:40 A.M. First Reading, Public Hearing. Administratively Withdrawn**
(City Manager's Office)

ACTION: Item withdrawn. See Item C6A. Mayra Diaz Buttacavoli to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

12:13:11 p.m.

- R7E A Resolution Authorizing The Extension Of The Existing Management Services Agreement For The Miami Beach Convention Center And The Jackie Gleason Theater Of The Performing Arts Between The City And SMG, For A Period Not To Exceed 30 Days, Pending SMG Counsel's Review Of The New Negotiated Management Agreement, And Final Negotiation On SMG's Proposed Capital/Scholarship Contribution To The City.
(City Manager's Office)

ACTION: Resolution No. 2003-25331 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo to handle.

2:56:15 p.m. & 6:16:10 p.m.

Supplemental Materials

- R7F A Resolution Approving In Substantial Form, As Attached Hereto, On Second Public Reading, In Accordance With The Requirements Of Sections 163.3220 – 163.3243 Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, A Development Agreement Between The City Of Miami Beach And The New World Symphony, A Not-For-Profit Florida Corporation, For The Design, Development And Construction Of The Surface Parking Lots, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility; Further Approving Said Development Agreement Subject To And Contingent Upon The Parties' Respective Bond Counsel's Review Of The Agreement And The Ground Lease Agreement Between The Parties, Said Review To Be On An Expedited Basis. **2:00 P.M. Second Reading, Public Hearing.**
(Economic Development)

ACTION: Heard in conjunction with item R7G. Public hearing held. Resolution No. 2003-25332 adopted Development Agreement with amendments made. Motion made by Commissioner Cruz; seconded by Commissioner Gross; Ballot vote: 6-1; Opposed: Commissioner Steinberg. Christina Cuervo to handle.

Amendments were made to the Development Agreement. During a Commission recess, Commissioner Steinberg, Christina Cuervo, Assistant City Manager, Raul Aguila, First Assistant City Attorney, and members of the New World Symphony met to make amendments to the Development Agreement.

Howard Frank, Chairman of the Board of the New World Symphony, and Vice-Chairman of Carnival Corporation and Chief Operating Officer, read comments into the record regarding the mission of this

educational institution.

Jonathan Peterson, from the New World Symphony (NWS), reviewed two very specific issues: I) the economic impact of this building on the local economy and II) the in-kind financial benefits that the New World Symphony will give the community in exchange for a \$1 a year lease for the property.

I. Economic Impact:

- 1) Over 50,000 visitors per year attend the Lincoln Theatre for events and will spend \$2.5 million on restaurants, businesses, clubs, bars, etc. The City benefits through tax revenues.
- 2) New World Symphony supports the equivalent of 300 full time jobs with an annual salary base of \$7 million.
- 3) With Soundspace, the New World Symphony is committing to invest a minimum of \$40 million, which will also create new jobs and new income for the community.
- 4) Through the construction phase and the first year alone of this project, it is estimated that \$100 million of economic activity will occur in Miami Beach.
- 5) 75 new jobs will be created because of Soundspace with an annual salary base of \$2 million.
- 6) Frank Gehry's buildings create tourism and incredible press.
- 7) Research shows that cultural tourism is more lucrative than traditional tourism, because cultural tourists spend 40% more on the average. They stay longer at the hotels and shop more. Clearly this project will have a tremendous impact on the community.

II. In-kind benefits:

The New World Symphony is committed to provide additional education and outreach activities and events in the City:

- a) New World Symphony is proposing to give each resident in Miami Beach a smart card with a value of \$50.00 to redeem for concerts and events at NWS, worth \$4.9 million, going directly to the residents.
- b) The New World Symphony is proposing ongoing annual benefits to the City that will equal almost \$1 million per year:
 - ✓ Free concerts-25% of the concerts at Lincoln Theatre are free to the public.
 - ✓ Additional free activities and concerts will be offered totaling \$280,000 per year.
 - ✓ Soundspace will give the NWS the ability to develop a customized education plan for local schools; this is estimated to be an additional \$200,000 of educational activities per year.
 - ✓ The addition of one large video screen on the façade of Soundspace will show concerts from the NWS from other parts of the world, activities from the Miami City Ballet and other beach cultural organizations. NWS will manage and program this screen at an estimated cost of approximately \$200,000 per year.
 - ✓ At least one full orchestra concert for the City each year at a value of \$50,000.
 - ✓ The relocation of the bridge tender house, (in front of the Wolfsonian) to be incorporated into this project, for tourists to get information and purchase tickets of activities and events happening on the beach. NWS will engage Frank Gehry to incorporate this into the project site and will staff the tender house at a cost of \$80,000 per year.
 - ✓ Soundspace will be a cutting edge, high-tech facility with three important benefits; 1) Administration can use Soundspace throughout the year, for example, for Federal Department and Homeland Security during training sessions for Police and Fire Fighters, 2) Soundspace offers a 700 seat facility with high-tech audio and video components that will compliment the Convention Center, 3) Through NWS connection to Internet II, the City can connect its own internet system, for greater speed and quality in internet structure, at a savings of \$100,000 per year.

Mr. Peterson also explained that in addition to the in-kind benefits, totaling approximately \$1million a year, at the end of the lease the City is receiving this building for free. In summary, Soundspace is a unique and extraordinary facility built for the 21st Century and it will have an enormous impact on the Miami Beach economy through job creation, tourism and quality of life. In return for the City's generous partnership in this project, NWS is committed to investing \$1million annually in increased services to the City.

Gary Knight, member of the Transportation and Parking Committee, delivered a statement from the Chairman of the Committee, Mr. Steven Nostrand.

David Kelsey spoke.

Frank Del Vecchio spoke.

Minnette Benson spoke.

Bea Kalstein spoke.

Commissioner Cruz stated that the City must be doing something right when property values increase from \$4 million in 1992 to \$12 million; and in spite of the growth, the City has preserved the quality of life.

Commissioner Gross stated that this is the most exciting project he has seen take place in the City. He explained that the two worlds of architect and music are collaborating in an incredible way. He cannot wait to go to the first concert at the new hall. He thanked and welcomed the new musicians.

Commissioner Smith agreed with Commissioners Cruz and Gross. He stated that this is a great project for the residents and the tourists. He added that this is a historic day, because what is done here today will be reviewed 40 to 50 years from now. This project will revitalize the area and will place the City of Miami Beach in the global spectrum as a cultural city.

6:16:05 p.m.

Christina Cuervo stated that an agreement was reached on all issues except two:

1. Section 23.4 of the Development Agreement on Agenda page 503.

Commissioner Steinberg is concerned that the New World Symphony and the City Commission must be in agreement with the design and configuration of the park. The words "shall be agreed upon by the parties." needs to be deleted.

Amendment No. 1:

Motion made by Commissioner Steinberg to delete the language "shall be agreed upon by the parties." and replace with "parties will consult." Amendment approved by acclamation of the City Commission.

Amendment No. 2:

Commissioner Steinberg stated that if the NWS yearly financial statement shows the institution is in financial trouble, the City has no recourse. The agreement could be amended to strengthen the City's position by declaring them in default. Commission Cruz did not accept his amendment.

Commissioner Gross asked if it is considered a default, if the NWS does not give back the programs they have agreed to.

Raul Aguila, First Assistant City Attorney, stated "yes."

Christina Cuervo, Assistant City Manager, responded to Vice-Mayor Bower's question regarding concurrency, by stating that in Article II of the Development Agreement, Section 2.6 (page 468), the NWS must comply and meet applicable concurrency standards.

Votes were taken on the lease, since Commissioner Garcia had to leave due to an emergency.

Commissioner Steinberg explained the reasons why he voted against. He explained that the project's construction could prevent the development of the P-Lot for the Convention Center, because the City is convening to provide parking and that parking portion includes the P-Lot. By entering into this agreement, the Commission sends the message that this is more important than the Convention Center; that it is more important building the garage than to give the Convention Center the ability it needs to succeed; he thinks it is improper for the Commission to use \$5 million of parking funds when the City does not have the money right now for the P-Lot or for the expansion of the Bass Museum. He also stated that the new theater may compete with TOPA and the Colony Theatre, and he is concerned with the future of the Lincoln Theatre. He explained that there is no agreement to keep the Lincoln Theatre operational. These issues significantly concern him and he cannot justify risking the Convention Center, TOPA and the Colony Theatre.

Mayor Dermer thanked Commissioner Steinberg for all his hard work on this detailed research and added that because of that, the City is getting a better agreement.

Commissioner Steinberg thanked the NWS and the Commission for indulging him.

Jorge Gonzalez, City Manager, stated that there is a provision that states that the City must replace all of the parking prior to the New World Symphony starting construction. If by the deadline of May 2007, the City has not been able to meet that obligation and find replacement parking, the New World Symphony can proceed to build and the City will have to find an alternative place for the deficit in the parking spaces. He explained that the logical place for that deficit is the P-Lot. This represents an encumbrance on the P-Lot that would last until the City Hall garage is finished. If the City decides to cover the parking deficit someplace else, then the P-Lot is not encumbered. He reminded the Commission that they imposed this parking replacement requirement themselves and it is not required or requested by the New World Symphony. He added that the P-Lot has been on hold pending the development of a financing plan and a key element is the \$50 million encumbered as part of the CDT agreement with Miami-Dade County. If the City does not have the \$50 million, a decision needs to be made about doing the P-Lot. He explained that the City is waiting on a decision on the \$50 million from Miami-Dade County and the deadline for the agreement is December 1, 2003.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Letter from Mr. David Kelsey to Mr. Frank Gehry dated September 9, 2003 in reference to alternate site proposed for New World Symphony expansion, in response to Mr. Gehry's letter to Howard Herring dated September 5, 2003.
3. Letter from David Kelsey to Mayor and City Commission, dated August 6, 2003 in reference to New World Symphony expansion/Expanded benefits of alternate site and request for inclusion of alternate site in Notice for Second Reading.
4. 129 signed petition submitted by David Kelsey.

2:56:15 p.m.

6:43:47 p.m.

Supplemental Materials

R7G A Resolution Approving In Substantial Form, As Attached Hereto, Following A Duly Noticed Public Hearing, A Ground Lease Agreement Between The City Of Miami Beach And The New World Symphony, A Not-For-Profit Florida Corporation, For The Lease Of An Approximately 50,000 Square Foot Parcel Of Land, Currently Improved With A Surface Parking Lot, In An Area As Shall Be Determined By The Mayor And City Commission Following Approval Of A Project Design (As Said Term Is Defined In The Development Agreement Between The Parties), Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West; And Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Further Approving Said Ground Lease And The Development Agreement Between The Parties Subject To And Contingent Upon The Parties' Respective Bond Counsel's Review Of The Lease Agreement And The Development Agreement, Said Review To Be On An Expedited Basis. **2:00 P.M., Public Hearing.**

(Economic Development)

ACTION: Item heard in conjunction with item R7F. Public Hearing held. Resolution No. 2003-25333 adopted with amendments made to the Lease Agreement. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Garcia. Christina Cuervo to handle.

Mayor Dermer stated that former Commissioner Liebman deserves a lot of credit for this project.

Jorge Gonzalez, City Manager, recognized the hard work by Christina Cuervo, Assistant City Manager, and Raul Aguila, First Assistant City Attorney, who did the City's legal work without the benefit of outside counsel.

Vice-Mayor Bower thanked Commissioner Steinberg and expressed her appreciation for his review of the Development Agreement and Lease Agreement.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Letter from Mr. David Kelsey to Mr. Frank Gehry dated September 9, 2003 in reference to alternate site proposed for New World Symphony expansion in response to MR. Gehry's letter to Howard Herring dated September 5, 2003.
3. Letter from David Kelsey to Mayor and City Commission, dated August 6, 2003 in reference to New World Symphony expansion/Expanded benefits of alternate site and request for inclusion of alternate site in Notice for Second Reading.

7:07:49 p.m.

Supplemental Materials

R7H A Resolution Authorizing The City Administration To Submit An Updated Beachfront Management Plan To The State Of Florida, As Required By The Beachfront Management Agreement By And Between The City Of Miami Beach And The State's Board Of Trustees Of The Internal Improvement Trust Fund. (Economic Development)

ACTION: Resolution No. 2003-25334 adopted. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Mayor Dermer, and Commissioners Cruz and Garcia. Christina Cuervo to handle.

Mayor Dermer asked for some background on the plan as it related to commercialization of the beach.

Jorge Gonzalez, City Manager, stated that the regulations are incorporated as an element of this plan. The regulations have not changed.

Joe Damien, Asset Manager, stated that the regulations previously approved by the City Commission have not changed. The key differences are: 1) the size of the beach has been increased because of the addition of the North Shore Open Space Park, 2) updated and described the status report on the 88 accessibility issues, the bicycle and pedestrians access trails along with the sand dune restoration projects, the growth and control projects and adding the amended rules and regulations already approved. These are the key components that have changed from the plan submitted in 1977. The balance of the plan deals with how the City manages and cleans the beachfront.

Commissioner Smith asked about the breakwater project and how can the City get more sand on the 29 Street beach.

Fred Beckmann, Public Works Director, stated that the empirical evidence will be available in about six months. The City needs to do a flyover and also do some analysis of that data as we do the flyover. The City has data that was collected just before the breakwater was completed and also right after it was completed. A year after the completion of the project, the intent was to fly over the beach and collect data on the condition of the controls and the amount of sand that flows into that breakwater. A survey of the coastline has been done and areas with pockets of sand have been discovered; the question of receiving additional State funding to get the sand pumped up North remains.

Commissioner Smith stated that an issue was raised to the City Manager in reference to three properties in the Mid Beach area claiming that the area is a private beach.

Jorge Gonzalez, City Manager, stated that the property owners were cited by Code Compliance.

Joe Damien thanked the members of the Advisory Group, Sidney Golden, Stuart Blumberg, Stuart Reed, Vivian Rodriguez, Miami-Dade County Parks Department, Humberto Alonso, South Florida Water Management District.

New Item:

Commissioner Gross commended Mayor Dermer and his colleagues, and stated that over the last five days the Commission has participated in three fairly strenuous meetings between the budget, Bay Link and today's discussion regarding the New World Symphony, and although the discussion were at time contentious, this Commission tried to conduct themselves not in a personal way and tried to discuss the issues. He stated that he is proud to be on the Commission. He also thanked the staff.

Commissioner Gross also extended the Commission's good wishes and prayers to Commissioner Garcia and family and to his wife Alicia.

7:29:06 p.m.**Supplemental Materials**

R7I A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications For The Following Funds: 1) The Florida Department Of Community Affairs, For Operations Liberty Shield Funds; 2) The Florida Department Of Community Affairs, Division Of Emergency Management For Community Emergency Response Team (CERT) Training; 3) Florida Department Of Law Enforcement, Byrne Grant Funds For E-Ticketing Initiative; 4) Office Of The Governor, Drug-Free Communities Program For Drug Eradication Programs; 5) To The Miami-Dade County Office Of Americans With Disabilities Act Administration For A Miami Beach Public Awareness Program ; While Leveraging Previously Appropriated Grant Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution No. 2003-25335 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. Judy Hoanshelt to submit grant applications. If awarded and accepted by the City, Patricia Walker to appropriate funds.

7:16:51 p.m.**ADDENDUM**

R7J A Resolution Setting A Public Hearing, Pursuant To Miami Beach City Code Section 118-563, To Grant A Certificate Of Appropriateness For Demolition Of Fire Station No. 4, A Designated Historic Site Located At 6860 Indian Creek Drive, In Order To Construct A New Three Bay Fire Station On the Same Site.

(Capital Improvement Projects)

**(Item Summary, Commission Memo, Resolution
Staff Recommendation and HPB Agenda)**

ACTION: Resolution No. 2003-25336 adopted. Motion made by Commissioner Smith; seconded by Commissioner Gross; Voice vote: 4-0; Absent: Mayor Dermer and Commissioners Cruz and Garcia. R. Parcher to notice. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, stated that this item is setting a public hearing to solicit a Certificate of Appropriateness for demolition of the old Fire Station No. 4 that the Historic Preservation Board approved. Because it is a City building the HP Boards decision is only advisory to the Commission. The City Commission must make the final decision.

Note: 15-day notice - plus mailers 375' -

12:31:09 p.m.

ADDENDUM

R7K A Resolution Adopting A Concurrency Management Program And Policy Exempting Small Businesses Operating Within Existing Structures From Transportation Concurrency Mitigation Fees If Such Businesses Generate Less Than 100 Trips Per Day, Assessing Fees On A Diminishing Sliding Scale For Such Businesses Generating Between 100 And 150 Trips Per Day, Providing Credit For Businesses Generating More Than 150 Trips Per Day Under Certain Circumstances, And Providing That Said Program And Policy Be Effective As Of January 1, 2003.

(Public Works)

(Item Summary, Commission Memo And Resolution)

ACTION: Resolution No. 2003-25337 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Jorge Gomez to handle.

Vice-Mayor Bower stated that she wants the process to be fair, so everyone is treated fair and in a friendly manner. She requested a report in six months to a year of how many exemptions were granted. Jorge Gomez to handle.

Commissioner Gross acknowledged Commissioner Garcia's efforts on this issue.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.

(City Clerk's Office)

ACTION:

Beach Preservation Board

Claire Callen	Term expires 12/31/03	Appointed by Commissioner Garcia
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Committee on Quality Education in Miami Beach:

Beverly Heller	Term expires 12/31/03	Appointed by Commissioner Steinberg
Marta Montaner	Term expires 12/31/03	Appointed by Commissioner Bower

Community Relations Board:

Rabbi Aaron Blatt	Term expires 12/31/04	Appointed by Commissioner Gross
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Design Review Board:

Janet Grant Hyman	Ex-officio member from the Barrier Free Environment Committee
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Hispanic Affairs Committee:

Marie Towers	Term expires 12/31/04	Appointed by Commissioner Cruz
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Miami Beach Commission on Status of Women:

Allison Kumble	Term expires 12/31/04	Appointed by Commissioner Steinberg
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Personnel Board:

Jimmie Newton Group III

Elected on 7/31/03

Term expires 7/31/06

Youth Center Advisory Board:

Atara EigTerm expires 12/31/03

Appointed by Commissioner Cruz

R9A (1): Motion made by Commissioner Smith to appoint Larry Herrup (General Business) to the Health Facilities Board with a term expiring 6/19/2007; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Mayor Dermer, and Commissioners Cruz and Garcia.

2:47:23 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

Elizabeth Donnelly: She stated that it is a pleasure to listen to classical music on Channel 20; she has been requesting this for some time. MTV is still here as stated in the Miami Herald. She said she received a letter from Christina Cuervo that MTV was not here and even the Parking Department told her that MTV was not here, but they are. She made a suggestion to the City Manager that the citizens should be able to check out the Budget book the same as books are checked out at the library. If anyone loses it, then they should pay for it. MTV should not receive \$25,000 from the City for a party also FIU, \$25,000, the Orange Bowl, \$25,000. It is not fair. She stated that since the City cannot maintain the fountains, the City should not build anymore of them. She added that the ladies room by the Chambers is out of order and the City cannot repair it. She has been asking for better lighting in her neighborhood and the director of the Miami Beach Chamber of Commerce told her that people do not want bright lights.

Minnette Benson: She wants to make sure that the traffic count at the 63rd Street intersection be adjusted for seasonal peak traffic. She wants to repeat what she understands is the scope of that review and that included data verification of everything prepared by The Corradino Group and other engineering firms, which resulted in the decision to tear down the flyover. She wants data verification of all incomplete, inconsistent and false information that she has caught and called. She wants the City Manager to understand that the scope of this review is not be skeletonized. She would like Commissioner Steinberg to review the scope with the City Manager.

Jorge Gonzalez, City Manager, stated that the City has entered into a joint partnership agreement with FDOT. FDOT is funding the study and the Administration is managing the study. The scope is very clear. The Administration has worked closely with Commissioner Steinberg on the specific questions that needed to be asked. The traffic count starts Tuesday of next week. FDOT has 45 days to issue a report. The scope is exactly what the Commission directed the Administration to do, and the scope that was in the Agenda except the Administration, is managing the project instead of FDOT.

New Item:

Mayor Dermer recognized former City Commissioner Nancy Liebman.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: No speakers.

7:02:23 p.m.

R9C A Resolution Authorizing The Administration To Videotape And Air On Channel 20 The Mayoral And Commission Candidate Presentations For The November 4, 2003 General Election.
(City Clerk's Office)

ACTION: Resolution No. 2003-25338 adopted. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Robert Parcher to handle.

Commissioner Steinberg asked if the candidates can use the teleprompter.

Jorge Gonzalez, City Manager, stated that it's okay to use the teleprompter, but the candidate needs to provide the text file and the person to run the teleprompter.

7:28:19 p.m.

R9D A Resolution Promoting Miami As The Natural Location For The Secretariat Of The Free Trade Area Of The Americas (FTAA).
(City Manager's Office)

ACTION: Resolution No. 2003-25339 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Mayor Dermer, and Commissioners Cruz and Garcia. R. Parcher to transmit.

11:37:55 a.m.

R9E A Resolution Relating To Elections; Requesting The Miami-Dade County Manager Ensure That, Regardless Of Voting Systems And Technologies, There Is Produced A Paper Record Of Every Ballot Cast, As An Element Of Minimum Standards Of Integrity, Not Later Than The 2004 General Election Process, And Supporting The Proposed Miami-Dade County Resolution Requiring Full Compliance With The Help America Vote Act Of 2002 (HAVA); Providing An Effective Date.
(Requested By Commissioner Richard Steinberg)

ACTION: Resolution No. 2003-24340 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Legal Department to prepare the resolution. R. Parcher to transmit to Miami-Dade County.

Jimmy Morales, Miami-Dade County Commissioner, stated that the State and County have had several challenges during the last elections. He explained that there is no paper trail to do an audit or recount of the votes recorded on the voting machines and explained that the technology exists for the voting machines to produce a paper history of the activity. He requested the endorsement of the City of Miami Beach, and this is an issue on the cutting edge of where government should be.

South Miami Commissioner Dan McCrea spoke.

6:48:40 p.m.

ADDENDUM

R9F Request To Air "State Of Latin Entertainment Industry" On Channel 20.
(Requested By Commissioner Cruz)

ACTION: Motion made by Commissioner Steinberg to videotape and air on Government Channel 20, if Channel 3 or 19 cannot be used; seconded by Commissioner Gross; Voice vote: 5-0; Absent: Vice-Mayor Bower and Commissioner Garcia. R. Parcher to handle.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on September 10, 2003 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement on the following cases:

Felix Equities, Inc. vs City of Miami Beach, United States Fidelity & Guaranty, a Foreign corporation, and St. Paul Fire & Marine Insurance Co. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-16109 CA 22

In re: Linc.Net, Inc., et al. United States Bankruptcy Court, Southern District of Florida, Miami Division. Chapter 11, Case Nos. 02-16987-BKC-RAM through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16987-BKC-RAM).

Atlantic Civil, Inc., a Florida corporation, vs. Miami Beach Redevelopment Agency, vs. National Fire Insurance Company or Hartford and Kimley-Horn and Associates, Inc., vs. Kimley-Horn and Insurance Company Inc., vs. Hazen and Sawyer, P.C. Eleventh Judicial Circuit, General Jurisdiction, Case No. 01-23635 CA 09.

City of Miami Beach vs. United States Fidelity & Guaranty Company. Miami -Dade County Circuit Court Case No. 03-19303 CA 03

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Assistant City Attorney Rhonda Hasan, and Special Counsel Steve Siegfried.

ACTION: Announced and held.

A Resolution Appropriating \$_____ From The _____ Fund For Litigation Related Expenses For The Following Related Litigation: Felix Equities, Inc. V. City Of Miami Beach, United States Fidelity & Guaranty And St. Paul Fire & Marine Insurance Co., City Of Miami Beach, V. United States Fidelity & Guaranty Company And Miami Beach V. Linc. Net Inc., Et Al.

ACTION: No action taken with regards to the resolution.

R10B Notice Of Closed Executive Session.

Pursuant to Section 286.011, Florida Statutes, Closed Executive Sessions will be held during lunch recess of the City Commission meeting on September 10, 2003 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss pending litigation on the following cases:

West Side Partners, Ltd., a Florida limited partnership; East Coastline Development, Ltd., a Florida limited partnership; 404 Investments, Ltd., a Florida limited partnership; Azure Coast Development, Ltd., a Florida limited partnership; Beachwalk Development Corporation, a Florida corporation; Portofino Real Estate Fund, Ltd., a Florida limited partnership; St. Tropez Real Estate Fund, Ltd., a Florida limited partnership; and Sun & Fun, Inc., a Florida corporation, vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., a Florida limited partnership vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (removed to US Dist. Court, So. Dist. of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., a Florida limited partnership, and Catherine F. Colonnese, a registered voter in the City of Miami Beach, Florida, vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (on Appeal in Third District Court of Appeal Case No. 3DOI-3350)

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, Deputy City Attorney Jean Olin, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen and Dan Paul.

ACTION: Announced and held.

Reports and Informational Items

- A. Non-City Entities Represented By City Commission:
Miami-Dade Homeless Trust Board Meeting Minutes Of June 27, 2003.
(Requested By Commissioner Steinberg)

ACTION: Written report submitted.

- B. City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- C. Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- D. Status Report For The Rehabilitation Project Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E. Informational Report To The Mayor And City Commission, On Federal, State, Miami -Dade County, And
All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 10, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr. Absent
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Month Of July 2003.

ACTION: Written report submitted.

3. NEW BUSINESS

- A. Progress Report On The Colony Theatre Renovation Project.

ACTION: Written report submitted.

12:37:20 p.m.

- B. Status Report On The Negotiations Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP").

ACTION: Written report submitted.

Commissioner Smith stated that the agreement is very complicated and he feels it upholds the sentiment of the Commission, but it is not a perfect agreement.

Jorge Gonzalez, City Manager, stated that the Administration received notice today that RDP

Royal Palm Hotel Limited Partnership was in agreement with the term sheet. He will transmit via an LTC and offered to meet with Mayor Dermer and Commissioners to review. Generally the term sheet does two things which the Administration was directed to do: 1) Assist RDP Royal Palm Hotel Limited Partnership in a ramp up period early in the process to assist with a cash flow problem, and 2) To work on a 99-year lease premise rather than a 25-year premise.

Mayor Dermer thanked Commissioner Smith for his effort in accomplishing this agreement. The LTC will be welcomed.

Commissioner Gross asked about the rent payments.

Christina Cuervo, Assistant City Manager, stated that the City has the rent payments for June, July, and August. The September rent is due in the middle of the month.

Commissioner Smith asked for the status of the bank default.

Christina Cuervo, Assistant City Manager, stated that by LTC the Commission has been informed and the City has not received any notice from the bank. Mr. Peebles informed the City that a letter from the bank should be forthcoming advising of an extension on their loan.

Jorge Gonzalez, City Manager, informed the Commission that he asked a that RDP Royal Palm Hotel Limited Partnership send the City a letter from the bank, s part of the term sheet, stating that they are no longer in default. In addition, along with the LTC, a net-present-value calculation will also be transmitted.

Meeting adjourned at 7:35:55 p.m.

End of RDA Agenda